



STATEMENT OF WORK FOR TECHNICAL ASSISTANCE TO THE U.S. EPA FIVE-YEAR REVIEWS

I. Objective

The objective of this Statement of Work (SOW) is to define required tasks for the U.S. Army Corps of Engineers (USACE) to provide five-year review (FYR) technical support to EPA Regional offices. This includes conducting, drafting, or providing requested support for Superfund Five-Year Reviews. Most site-specific reviews will require site inspections and evaluations of response actions (e.g., review of site documents and records related to the operation and maintenance of the facility). Most deliverables will be in the form of draft five-year reviews or alternatively summary documents if an EPA Regional office requests specific analyses to support their FYR.

II. Background

Superfund Five-Year Reviews are required by CERCLA and EPA policy. A FYR is an evaluation of the implementation and performance of a Superfund remedial action to determine if the remedy is or will be protective of human health and the environment. Depending on the action that triggers a FYR, the review may be conducted while a remedy is under construction, ongoing, or completed. Approximately 250 five-year reviews are conducted annually. The technical support provided under this interagency agreement will allow the USACE district offices to support the Regions in fulfilling the five-year review requirement and evaluating remedy protectiveness.

III. Scope of Work

The USACE district office shall contact the site EPA Remedial Project Manager (RPM) to begin the review within two weeks of receipt of a site-specific work assignment form (WAF) from the EPA project officer. Once the review begins, the USACE district office shall communicate at least monthly with the EPA RPM through conference calls to discuss the status of the five-year review, summarize activities conducted over the last month and prediction of those activities that are anticipated to be completed in the following month. This meeting is also an opportunity to identify any issues with review preparation.

The USACE shall provide personnel, labor, and materials to perform the following activities:

A. Document Review

The USACE shall obtain, copy, and review available information. This information may include five-year review guidance documents (guidance documents are available at <https://www.epa.gov/superfund/writing-five-year-reviews-superfund-sites>) and various site related documents. The EPA RPM can generally assist in providing the necessary site specific documents. For instances where a subsequent five-year review is being conducted, the review of site related data and sampling results should generally focus on those produced within the last five years. Examples of documents that may be reviewed include the following:

Guidance (not an exhaustive list)

- Comprehensive Five-Year Review Guidance (June 2001), OSWER No. 9355.7-03B-P
- Five-Year Review Recommended Template (January 2016), OLEM Directive 9200.0-89
- Recommended Evaluation of Institutional Controls: Supplement to the "Comprehensive Five-Year Review Guidance" (September 2011), OSWER 9355.7
- Guidance On Assessing Protectiveness at Sites for Vapor Intrusion - Supplement to the "Comprehensive Five-Year Review Guidance" (November 2012), OSWER Directive 9200.2-84
- Clarifying The Use of Protectiveness Determinations for Comprehensive Environmental Response, Compensation, And Liability Act Five-Year Reviews, (September 2012), OSWER 9200.2-111

Site Related (not an exhaustive list)

- Decision Documents – Record of Decisions (ROD) (and amendments) and Explanation of Significant Differences
- Previous Five-Year Review Reports
- Preliminary and Final Close-out Report
- Remedial Designs
- Operation and Maintenance Manuals and Reports
- Consent Decree or other Settlement Records
- Ground Water Monitoring Plan and Reports
- Remedial Action Reports

As part of a five-year review for ongoing or completed remedies, a number of documents are reviewed to identify and investigate the following:

- Remedial action objectives and cleanup levels as specified in decision documents
- Any changes to the assumptions underlying cleanup levels (e.g., Applicable or Relevant and Appropriate Requirements, contaminant characteristics, potential exposure, etc.)
- The remedial actions and their design
- The status of the implementation of the remedy and O&M
- The effectiveness of the remedy in meeting remedial action objectives.

For remedial actions under construction, the scope of the review is reduced. Since the remedy is still under construction, the focus of the review is on the history of the remedy, goals of the remedy, the health and safety plan (HASP) and/or Contingency Plan, and other measures to prevent exposure. If the construction period is several years, the review may also need to include any changes to the assumptions underlying cleanup levels.

B.Site Visit

If requested during the scoping meeting, the USACE will conduct a site visit. The USACE shall conduct a functional system review and technical compliance evaluation of specific elements of the facility which are required to protect human health and the environment.

This shall consist of a review of all components of the remedy to determine whether each element of the ROD has been implemented and whether each component of the remedy is operating in accordance with its intended function. The USACE shall document findings with site photos and a trip report or site inspection checklist. A site visit may not always be necessary (e.g., the Region requests specific assistance to support their FYR).

C. Five-Year Review Report

The USACE shall use OLEM guidance provided by the U.S. EPA to develop Five-Year Review Reports which provides information on how the implemented remedy satisfies the completion requirements and is protective of human health and the environment. The task includes all draft and final reports. The reports shall include all elements described in the Five-Year Review Recommended Template (January 2016) to meet requirements of the Comprehensive Five-Year Review Guidance (June 2001). Minor modifications to the example format provided are acceptable.

The Five-Year Review Recommended Template (January 2016) was issued with the intent to reduce non-essential information and repetitiveness, while remaining focused on the information and conclusions necessary to evaluate whether the remedy is or will be protective of human health and the environment. The information included in the report should focus on the last five years and should be tailored to site-specific circumstances.

Each five-year review report will identify all deficiencies that currently prevent the remedy from being protective or have the potential to do so in the future. All areas, including changes needed to ensure the proper management of the remedy, should be documented as issues in the five-year review report, indicating which issues need to be corrected to achieve protectiveness, if any.

Each five-year review report will develop and document recommendations to rectify or correct each issue. Recommendations that need to be addressed to achieve protectiveness should be clearly identified as required actions. Other findings that do not affect protectiveness can be identified as suggested in the Five-Year Review Recommended Template (January 2016).

One or more protectiveness statements may document the determination of whether the remedy or remedies are protective of human health and the environment in the five-year review report. For sites with more than one operable unit (OU), separate protectiveness statement should be written for each OU. Once these sites have reached construction completion, a site-wide protectiveness statement should also be developed.

Each five-year review report is for EPA use and directed to the general public. Hence, it should be written to be understood by someone unfamiliar with the site. The report should clearly present all of the information needed to understand the past activities at the site and the current status of all remedial actions. The five-year review report must be accurate, adequate, and concise.

IV. Estimated Costs and Schedule

Once the scope of the review is discussed between the USACE and the EPA RPM, the USACE shall submit a work plan to the EPA RPM and copy the EPA project officer. This work plan should include but is not limited to a cost-estimate, a schedule of activities, and a planned completion date. This cost estimate shall include Level of Effort (LOE) hours and associated hourly costs for usage of appropriate professional/clerical personnel for the tasks outlined in this SOW.

The USACE shall provide monthly project reports to the EPA project officer that:

- Summarize work accomplished for the period (e.g., initial contact with RPM, site visit, deliverable submissions, estimate of percentage of review completed, etc.);
- Anticipated work over the next reporting period;
- Summarize funds expended for the month and the project to date;
- Summarize funds remaining to date; and
- Estimates for additional funds needed to complete an individual project.

The USACE shall also provide any other pertinent project information required by the EPA project officer for this interagency agreement.

The USACE shall also schedule and conduct a monthly conference call with the RPM to discuss the details provided in the monthly report. This call shall ensure both parties have opportunity to discuss the activities for which the monthly charges are based. In addition, this meeting will discuss anticipated activities for the next month to ensure both USACE and the RPM agree with the scope.

V. Schedule for Review Assignment Activities & Deliverables:

Site Visit (as needed)

Due Date: As directed by EPA RPM

Draft Five-Year Review (or technical support summary document)

Due Date: Thirty calendar days after completion of site visit or receipt of information for technical support
(4 reports anticipated)

Final Five-Year Review (or technical support summary document)

Due Date: Thirty calendar days after USACE receipt of EPA RPM comments
(2 reports anticipated)